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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/380,563	09/03/1999	MAKOTO SHOZAKAI	04208.0077	2773
22852	7590	10/20/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			ARMSTRONG, ANGELA A	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/380,563	Applicant(s) SHOZAKAI ET AL.	
	Examiner Angela A. Armstrong	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7,8,10,11,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-5, 7-8, 10-11, 13-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 9, 2006 has been entered.

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 7, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furukawa et al (US Patent No. 5,463,618) in view of applicant's admitted prior art and further in view of Flores et al, ("Continuous Speech Recognition in Noise Using Spectral Subtraction and HMM Adaptation", 1994).

Regarding claims 1, 7, and 13-14, Furukawa et al discloses an echo canceller with Normalized Least Mean Square algorithm and teaches

Determining a pseudo acoustic signal at col. 6, lines 14-21 which reads on "generating a pseudo acoustic echo signal"

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Providing for holding signals at col. 6, lines 18-19, which reads on “holding the current impulse response and supplying the current impulse response”

Subtraction of the pseudo acoustic echo signal at col. 6, lines 21-26 and col. 1, lines 10-31, which reads on “an elimination step for subtracting said pseudo acoustic echo signal from a near-end speech signal”

Sampling the input signal at 8 kHz at col. 5, lines 56-57, which reads on “an update step”

Furukawa does not specifically disclose using time domain and frequency domain information of the acoustic echo-canceled signal for checking whether or not voice is included in the microphone input signal, wherein the input speech signal includes components of the acoustic echo from a known source, the voice and an additive background noise from an unknown source. However, checking, in each frame, whether or not voice is included in an acoustic signal, by using time domain and frequency domain information of an acoustic signal, and wherein a microphone input signal of an acoustic echo-canceling signal processing scheme comprises acoustic echo, the voice and background noise is known in the art, as indicated by applicant’s admitted prior art at page 16, line 25 continuing to page 22, line 3 of the specification.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Furukawa et al, to provide processing for the input speech signal which includes components of the acoustic echo from a known source, the voice and an additive background noise from an unknown source, as was well known in the art, and to implement checking, in each frame, whether or not voice is included in the echo cancelled signal of

Furukawa, by using time domain and frequency domain information, for the purpose of improving signal quality in a noisy environment.

Additionally, Furukawa teaches suspending or continuing adaptation so as to control or renew filter coefficients of the adaptive filter, which reads on "...storing in said storage step the current impulse response...retrieving one of the stored impulse responses stored..."

Neither Furukawa et al nor applicant's admitted prior specifically teach determining a spectrum mean and subtracting the spectrum mean from the spectrum. Flores et al teach a scheme for robust speech recognition in which a continuous spectral subtraction (CSS) scheme is implemented to enhance a received speech signal. The CSS scheme receives noisy speech, performs a Fourier transform, determines a spectrum average and subtracts the spectrum average from the spectrum (page 409, Figure 1).

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Furukawa et al and applicant's admitted prior art to implement a continuous spectral subtraction scheme for a speech recognition system, as taught by Flores et al, for the purpose of providing signal enhancement of the received signal to be used in the speech recognizer.

3. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furukawa et al in view of applicant's admitted prior art and Flores, as applied to claims 1 and 7 above, and further in view of Schalk (US Patent No. 5,475,791).

Regarding claims 2 and 8, Furukawa et al, Flores, and applicant's admitted prior art teach everything as claimed in claims 1 and 7. Furukawa et al does not specifically teach that the echo-cancelled signal is used for speech recognition.

In a similar field of endeavor, Schalk teaches a method for recognizing a spoken word in the presence of interfering speech in a voice processing system for use in conjunction with telephone networks, which uses an echo canceled signal to perform the speech recognition (Abstract), for the purpose of providing an enhanced technique for use in a voice processing application wherein a caller's speech occurring during outgoing voice messaging can be recognized and used by the voice processing system.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Furukawa et al, Flores, and applicant's admitted prior art for implementation of an echo canceled signal in a speech recognition system, as taught by Schalk, for the purpose of providing an enhanced technique for use in a voice processing application wherein a mobile caller's speech occurring during outgoing voice messaging can be recognized and used by the voice processing system.

4. Claims 4-5 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furukawa et al, Flores, applicant's admitted prior art, and Schalk, as applied to claims 2 and 8 above, and further in view of Rahim et al ("Signal Conditioning Techniques for Robust Speech Recognition", 1996) and well known prior art.

Regarding claims 4-5 and 10-11, Furukawa et al, Flores, applicant's admitted prior, and Schalk teach everything as claimed in claims 2 and 8.

Furukawa do not teach cepstral mean subtraction. Refer to Rahim et al, who teach a speech recognition system with signal enhancement which implements a cepstral mean subtraction algorithm via determining the cepstrum, calculating the average cepstrum and subtracting the average cepstrum from the cepstrum. Rahim et al teach that cepstral mean subtraction is widely used in speech recognition (page 107, col. 1, section II) and that it improves the robustness in speech recognition by minimizing distortion on the input signal to the recognizer (page 107, col. 1, section I).

Therefore, it would have been obvious to one of ordinary skill at the time of invention to modify the system of Furukawa et al, and implement a cepstral mean subtraction algorithm as taught by Rahim et al, for the purpose of improving the robustness in the speech recognizer, as suggested by Rahim et al.

Rahim et al do not specifically teach that the cepstrum is obtained by performing a Fourier transform on the spectrum. However, it is well known in the art of speech signal processing to perform a Fourier transform on the logarithm of a spectrum to obtain a cepstrum.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Rahim et al to perform a Fourier transform on a spectrum in order to obtain the cepstrum, as is well known in the art, for the purpose of efficiently canceling multiplicative distortions.

Rahim et al do not specifically teach implementing cepstral mean subtraction (CMS) on a non-speech cepstrum or correcting for lump multiplicative distortions. However, providing for estimates of non speech (or noises) in the implementation of a subtraction scheme for noise suppression and to implement such determinations in order to correct for multiplicative

distortions, was well known in the art, as indicated by applicant's admitted prior art beginning at page 44, line 22 of the specification.

Therefore, it would have been obvious to one of ordinary skill at the time of invention to use a CMS algorithm on a speech cepstrum and a non-speech cepstrum to provide an accurate estimate of other sounds or noise, so as to provide more efficient signal enhancement of the input signal to the speech recognizer.

Response to Arguments

5. Applicant's arguments filed August 9, 2006, have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, one of ordinary skill in the art of speech and signal processing would clearly recognize the advantages to modifying a speech processing system so as to provide processing for the input speech signal which includes components of the acoustic echo from a known source, the voice and an additive background noise from an unknown source, as was well known in the art, and to implement checking, in each frame, whether or not voice is included in the

desired signal for the purpose of improving signal quality when the desired signal is obtained in a noisy environment or to modify a system so as to implement a continuous spectral subtraction scheme for a speech recognition system for the purpose of providing signal enhancement of the received signal to be used in the speech recognizer.

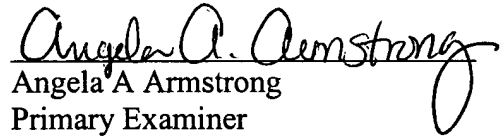
In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 571-272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Angela A Armstrong
Primary Examiner
Art Unit 2626

AAA
October 15, 2006